IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.775 OF 2006

Surendra Parisa Gondhale ...Applicant

vs.

Ramesh @ Ramdas Sitaram Pawar & Ors. ...Respondents

Mr.Kuldeep Patil for the Applicant
Mr.D.P.Adsule, A.P.P. for State
Mr.Pratap Patil for Respondent Nos.1 and 2.

CORAM: A.S.OKA,J.
DATE : DECEMBER 7,2006.

P.C.:

1. Heard Advocate for the Applicant and the Advocate for the first and second Respondents. A private complaint filed by the Applicant under sections 324, 504, 506 read with section 34 of the Indian Penal Code has resulted in acquittal of the first and the second Respondents.

2. The learned Advocate for the Applicant has taken me through the notes of evidence and a copy of the complaint. He submitted that the impugned Judgment and Order is perverse as the same is inconsistent with the evidence on record. He submitted that on the very day of the incident, the Applicant has lodged a complaint with the Police station.

3. I have considered the submissions. Even assuming that the Applicant had lodged a complaint with the police station on

the same day, apart from the fact that no evidence of filing the complaint has been produced by the Applicant, he waited for three and half months to file a private complaint. Apart from this fact, the learned Judge has noted that there was a civil suit pending between the parties. There was a dispute between the parties as regards 10 to 15 trees which were allegedly cut by the first Respondent.

4. Perusal of the notes of evidence shows that the view taken by the learned Trial Judge is a possible view. Even assuming that another view is possible, it is no ground to interfere in an Appeal against acquittal. No case is made out for grant of leave. Application is rejected.

JUDGE